IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 23569 of 2005(E)

PETITIONER:

K.E. AHAMMEDKUTTY, S/O. ABOOBACKER,
AGED 47 YEARS, KOZHITHODI ERANTHODI HOUSE,
NELLIKUTH, MANJERI.

BY ADV. SRI.M.K.CHANDRA MOHANDAS

RESPONDENTS:

---

1. THE REGIONAL TRANSPORT AUTHORITY,
MALAPPURAM, REPRESENTED BY ITS SECRETARY.

2. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY, MALAPPURAM.

3. ABDUL RAHIM K.V., S/O.MOIDEENKUTTY,
KODAVANDY HOUSE,PANDIKAD ROAD,P.O. MANJERI COLLEGE
MANJERI, MALAPPURAM DISTRICT.

4. V.M. MOOSAN,
VILAKUMADATHIL HOUSE, PULLOORAL P.O.,KARUVAMBRAM,
MANJERI, MALAPPURAM DISTRICT.

5. THE STATE TRANSPORT APPELLATE TRIBUNAL,
ERNAKULAM.

R4 BY ADV. SRI.K.V.GOPINATHAN NAIR
R1,2&5 BY GOVERNMENT PLEADER SMT.R.BINDU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF ORDER DT.22.9.1994 OF R2.

P2: .DO. DT.16.12.96 .DO.

P3: .DO. DT.2.12.97 .DO.

P4: TRUE COPY OF ORDER DT.11.8.98 IN M.V.A.R.P. NO.86/1998 OF STAT, ERNAKULAM.

P5: TRUE COPY OF ORDER OF R2.

P6: TRUE COPY OF COMMON ORDER DT.13.4.2005 IN M.V.A.R.P. NOS.15/2005 AND 78/2005 OF STAT, ERNAKULAM.

P7: TRUE COPY OF LETTER DT.10.11.2004 FROM THE REGIONAL TRANSPORT OFFICER, MALAPPURAM TO SRI.A.MUHAMMEDALI.

P8: TRUE COPY OF PROCEEDINGS OF R2 DT.20.1.2006.

RESPONDENT'S EXHIBITS:

R4(a): TRUE COPY OF TIMINGS ISSUED IN RESPECT OF PETITIONER'S SERVICE ON 10.7.2003.

R4(b): TRUE COPY OF DECISION OF THE RTA GRANTING TRANSFER OF PERMIT TO THE PETITIONER FROM 15.12.2004.

R4(c): TRUE COPY OF THE PROCEEDINGS DT.24.8.96 ISSUED A SETTLED SET OF TIMINGS TO THE PETITIONER'S SERVICE.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 23569 OF 2005

Dated this the 27th day of March, 2007

JUDGMENT

Petitioner is challenging Ext.P6 order whereunder the STAT has allowed the revision filed by the fourth respondent against relative timings fixed for him and the third respondent. Petitioner's grievance is that STAT passed the order without considering the petitioner's timings as petitioner was not a party in the proceedings. Since petitioner is operating in the same route, petitioner also has a say in the fixation of timings to other operators. The only course therefore now available is to permit the petitioner to file a revision against fixation of timings pursuant to Ext.P6 before the STAT making respondents 3 and 4 and any other operator in the same route as parties so that STAT's decision will bind all the operators in the same route. Petitioner is granted one month's time from date of receipt of this judgment to file revision against fixation of timings pursuant to Ext.P6. If any such revision is filed, STAT will issue notice to all the operators in the same route and decide the revision

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge